

ERIE COUNTY LEGISLATURE
MEETING NO. 10
MAY 8, 2014

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Mr. Hardwick, who offered a short prayer.

The Pledge of Allegiance was led by Mr. Lorigo.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. LORIGO moved for the approval of the minutes for Meeting Number 8 from 2014. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. DIXON presented a resolution Honoring Jeremy M. Jaskula on Achieving the Rank of Eagle Scout.

Item 6 – MS. DIXON presented a resolution Honoring Nicholas P. Keane on Achieving the Rank of Eagle Scout.

Item 7 – MS. DIXON presented a resolution Honoring Jeremy Honoring Anthony P. Sambrotto on Achieving the Rank of Eagle ScoutM. Jaskula on Achieving the Rank of Eagle Scout.

Item 8 – MR. HARDWICK presented a resolution Honoring Grand Island Little League on the 75th Anniversary Celebration of Little League.

Item 9 – MR. HARDWICK presented a resolution Honoring Mark P. Mondanaro Upon His Retirement from the Kenmore-Town of Tonawanda Union Free School District, and for His Commitment to Education.

Item 10 – MR. HARDWICK presented a resolution Honoring the Lions Club of Kenmore on its 85th Anniversary.

Item 11 – MR. LORIGO presented a resolution Recognizing and acknowledging Alexis Pieczynski on receiving an East Aurora Chamber Choice Student Recognition Award.

Item 12 – MR. LOUGHRAN presented a resolution Honoring Patricia A. Lucey for Her 40 Years of Public Service and Community Involvement.

Item 13 – MS. MILLER-WILLIAMS presented a resolution Honoring and Congratulating James E. Manuel on His Eightieth Birthday.

Item 14 – MS. MILLER-WILLIAMS presented a resolution A Memorial Proclamation Honoring the Life of Kenneth W. Berry.

Item 15 – MS. MILLER-WILLIAMS presented a resolution A Memorial Proclamation Honoring the Life of William Eddy West.

Item 16 – MS. MILLER-WILLIAMS presented a resolution Celebrating Those Dedicated to Improving the Lives of Children at the Child Care Resources Network's 'Inspire Our Future Awards' Dinner.

Item 17 – MS. MILLER-WILLIAMS presented a resolution Honoring the Erie County Commission on the Status of Women.

Item 18 – MS. MILLER-WILLIAMS presented a resolution Congratulating Nina Davuluri, Miss America 2014, Keynote Speaker at ECCSW Luncheon.

Item 19 – MR. MILLS presented a resolution Recognizing and Acknowledging Captain Kevin Caffery on His 45 Years Dedicated Service to the Residents of Erie County and His Retirement From the Erie County Sheriff's Department Aviation Unit.

Item 20 – MR. MILLS presented a resolution Congratulating the Springville First United Methodist Church on its 200th Anniversary.

Item 21 – MR. MILLS presented a resolution Congratulating Joe DeMarco Founder Wings Flights of Hope on Receiving the Endeavor Award Honoring Public Benefit Aviation.

Item 22 – MR. MILLS presented a resolution Congratulating Samantha Jemiolo, a Student at Fredonia State College, on Receiving a Chancellor's Award for Student Excellence.

Item 23 – MR. MILLS presented a resolution Congratulating Annie Metcalf North Collins Junior-Senior High School Principal on being Honored as Principal of the Year by the School Administrators Association of New York State.

Item 24 – MR. MILLS presented a resolution Congratulating Lawrence's Tavern in Springville on Celebrating 75 Years in Business.

Item 25 – MR. MILLS presented a resolution Recognizing and Acknowledging Francis Michael McGee on 50 Years of Service to the Residents of Erie County.

Item 26 – MR. RATH presented a resolution Honoring Patricia A. Lucey on Her Forty Years of Public and Civic Service and Community Involvement.

MR. LORIGO moved for consideration of the above twenty-two items. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above twenty-two items to include Et Al Sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above twenty-two items as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 27 – CHAIR MILLS directed that Local Law No. 1 (Print #1) 2013 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 28 – MR. LORIGO moved to take Local Law No. 1 (Print #1) 2014 off of the table. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE
LOCAL LAW INTRO. – NO. 1 - 2014
LOCAL LAW NO. ____ - 2014

A Local Law providing for penalizing private land holders for allowing consumption of alcohol by minors, other than dependents of the land holders, on said property.

SECTION 1. LEGISLATIVE INTENT

- A. The Legislature of the County of Erie finds that underage drinking is a significant societal problem that has generated widespread concern in Erie County. Although the New York State Legislature has acted to prevent the unlawful giving, selling and possessing of alcohol in relation to individuals under the age of 21, it has not regulated the situation where a person who is 21 years old or more knowingly allows the consumption of alcohol by a minor in his or her home or other privately owned property. The underage consumption of alcohol, whether at a party or a smaller gathering, poses an immediate threat to the public health, safety and welfare of the residents of Erie County, often leading to alcohol abuse by minors, physical altercations, accidental injuries, neighborhood vandalism, excessive noise disturbances requiring the intervention of local law enforcement, and the commission of violent crimes including sexual offenses and serious assaults. This local law will serve to deter the consumption of alcoholic beverages by minors by holding those persons who are 21

years old or more responsible when they knowingly allow the consumption of alcoholic beverages by minors at their residences or on their privately owned property.

SECTION 2. DEFINITIONS

Wherever used in this chapter, unless the context or subject matter otherwise requires:

- A. "Alcohol" shall mean ethyl alcohol, hydrated oxide of ethyl or spirits of wine, from whatever source or by whatever means produced.
- B. "Alcoholic beverage" shall mean any liquor, wine, beer, spirits, cider or other liquid, or solid, patented or not, composed of, or containing, alcohol or spirits, whether or not brewed, fermented or distilled, and capable of being consumed by a person, except that confectionery containing alcohol as provided by subdivision twelve of section two hundred of the New York State Agriculture and Markets Law shall not be regarded as an alcoholic beverage within the meaning of this section.
- C. "Allow" shall mean to give permission for, or approval of, possession or consumption of alcohol or an alcoholic beverage, by any of the following means:
 - a. in writing;
 - b. by oral statement; or
 - c. by any conduct that would cause a reasonable person to believe that permission or approval has been given.
- D. "Controls a private residence" shall mean possesses authority to regulate, direct, restrain, superintend, control or govern the conduct of other individuals on or within that residence, and includes, but is not limited to, a possessory right.
- E. "Knowingly" shall mean to be aware of.
- F. "Minor" shall mean any person under the age of twenty-one.
- G. "Reasonable corrective action" shall include, but not be limited to:
 - a. making a prompt demand that such minor refrain from further consumption of the alcoholic beverages; or
 - b. if such minor does not comply with such request, either promptly reporting such underage consumption of alcohol:
 - 1. to the local law enforcement agency; or
 - 2. to the minor's parent or guardian.
- H. "Residence" shall mean any home, apartment, condominium, co-operative unit or other dwelling unit of any kind, including yards and open areas adjacent thereto.

SECTION 4. UNLAWFUL CONSUMPTION OF ALCOHOL BY A MINOR AT A RESIDENCE

- A. It shall be unlawful for any person who is 21 years old or more who owns, rents, or otherwise controls a private residence, to knowingly allow the consumption of alcohol or alcoholic

beverages by one or more minors on such premises or to fail to take reasonable corrective action upon becoming aware of the consumption of alcohol or alcoholic beverages by one or more minors on such premises.

- B. The provisions of subdivision (a) of this section shall not apply to:
- a. the consumption of alcohol or alcoholic beverages by a minor whose parent or guardian has given such alcohol or alcoholic beverage to such minor;
 - b. the use and consumption of alcohol or alcoholic beverages by a minor for religious purposes; or
 - c. the use or consumption of alcohol or alcoholic beverages by a minor who is a student in a curriculum licensed or registered by the New York State Education Department and the student is required to taste or imbibe alcoholic beverages in courses which are a part of the required curriculum, provided such alcoholic beverages are used only for instructional purposes during class conducted pursuant to such curriculum.

SECTION 5. PENALTIES AND ENFORCEMENT

A violation of SECTION 4 of this law shall constitute a violation of law for the first and second offense, and a misdemeanor for the third and subsequent offenses. Each offense and subsequent offense shall be punishable as follows:

- A. First offense. Any person who violates section 4 of this chapter shall be punished by a fine of two hundred and fifty dollars, where such violation constitutes the person's first offense in violation of this provision.
- B. Second offense. Any person who violates section 4 of this chapter shall be punished by a fine of five hundred dollars, where such violation constitutes the person's second offense in violation of this provision.
- C. Third and subsequent offenses. Any person who violates section 4 of this chapter shall be punished by either a fine of one thousand dollars, a term of imprisonment not to exceed one year, or both a fine of one thousand dollars and a term of imprisonment not to exceed one year, where such violation constitutes the person's third or subsequent offense in violation of this provision.
- D. This local law may be enforced or held active by any Police agency with authority for enforcement within their jurisdiction.

SECTION 6. EFFECT ON OTHER LAWS

The provisions of section 4 of this chapter shall not in any way affect the application of any other law, where appropriate, including but not limited to New York State Penal Law section 260.10 (Endangering the welfare of a child) and section 260.20(2) (Unlawfully dealing with a child in the first degree).

SECTION 7. SEVERABILITY

If any clause, sentence, paragraph, or section of this chapter shall be held invalid by any court of competent jurisdiction, or the application of this chapter to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or operation of this chapter directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this chapter are hereby declared to be severable.

SECTION 8. REVERSE PREEMPTION

This chapter shall be null and void on the day that federal or statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this chapter, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Erie. The County Legislature may determine via mere resolution whether or not identical or substantially similar federal or statewide legislation or pertinent preempting state or federal regulations have been enacted for purposes of triggering the provisions of this section.

SECTION 9. EFFECTIVE DATE AND APPLICABILITY

This Local Law shall be effective immediately following filing in the Office of the Secretary of State and shall apply to all prohibited instances occurring on or after the effective date of this local law.

Sponsored By: Legislator Dixon
Legislator Rath
Legislator Mills
Legislator Morton

MR. LORIGO moved to approve Local Law No. 1 (Print #1) 2014. MS. DIXON seconded.

CHAIR MILLS directed a roll-call vote be taken.

AYES: MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON, MR. RATH. NOES: MR. BURKE. (AYES: 10; NOES: 1)

CARRIED.

Item 29 – MR. LORIGO moved to take Local Law No. 2 (Print #1) 2014 off of the table. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

LOCAL LAW NO. ____-2014

A Local Law, amending Local Law No. 1-1959, as amended by Local Law No. 3-2006, known as the Erie County Charter, amending Article 22, Section 22-C in relation to the Erie County Community Coordinating Council on Children and Families.

Section 1: LEGISLATIVE INTENT

The purpose of this law is to reduce the number of appointees to the Erie County Community Coordinating Council on Children and Families to 15 and simplify the appointment process. The law also simplifies the process by which the Erie County Community Coordinating Council on Children and Families reports its activities to the Erie county legislature and county executive.

Section 2: AMENDMENT TO THE ERIE COUNTY CHARTER

Section-C 22 of the Erie County Charter is hereby amended to read as follows:

Erie County Community Coordinating Council on Children and Families

Section 22-C-01. Legislative declaration of policy. It is hereby declared to be the public policy of Erie county, New York, to take all proper measures to preserve and strengthen the family unit and to aid in the establishment of a nurturing environment to encourage the proper development of children.

To further this policy the Erie county government provides evaluation, treatment and preventative services to the children and families of Erie county.

The Erie county legislature finds that this policy and these services can be more effectively administered and efficiently delivered by systematic coordination among the local government, public voluntary system of social, educational, health, mental health and other supportive and rehabilitative services to children and families.

The services system can be strengthened by:

1. Fostering cooperation among local government and both public and voluntary agencies to provide better coordination supervision of services to children and families.
2. Eliminating duplication of services where possible and maximizing service provisions through judicious use of tax dollars, grants and other funding mechanisms as may become available.
3. Stressing more meaningful accountability by providers, in all sectors, regarding the quality and quantity of services provided to children and families.
4. Improving methods of ascertaining community needs and setting program goals as they relate to services for children and families.

Section 22-C-02. Establishment, powers and duties. There is hereby created, the Erie county community coordinating council on children and families, hereafter called council. The council shall:

1. Develop a methodology to evaluate, monitor and ascertain the effectiveness of current programs in children's services.
2. Identify problems and deficiencies in existing services and recommend corrective action.
3. Improve coordination of program and fiscal resources within the children's services system.
4. Act as a liaison between county governmental units, public voluntary programs and the state and federal government, fostering better communication between all involved.
5. Review and resolve administrative, and where appropriate, regulatory differences between agencies.
6. Develop long range plans to improve services to children and families. This should be accomplished through a five year comprehensive service plan similar to those utilized by county departments.
7. Act as a forum for community discussion of issues pertaining to services for children and families.
8. Carry out any and all activities deemed necessary to accomplish the goals of the council as stated herein.

Section 22-C-03. Membership; meetings. ~~[The council shall consist of the following members: the Erie county commissioners of youth, social services, health and mental health, the director of the office for the disabled and the chief clerk from the Erie county family court, three consumer/client representatives, and five representatives from local charitable and/or community based organizations concerned with children and families, the director of the office of probation, one representative from a suburban school district and two representatives from the youth planning council of Buffalo and the president of the united way agency executives association, a representative of the western New York school board association and four members of the business community.]~~

~~The legislature shall appoint the eight community representatives and two representatives of the business community as follows: six to be named by the majority and four to be named by the minority. Five of these members shall serve two year terms and five shall serve three year terms. These members can only be reappointed once.~~

~~The county executive shall appoint the one representative from a suburban school district and the two representatives from the youth planning council of Buffalo and the president of the united way agency executives association, a representative of the western New York school board association and two representatives of the business community.~~

~~The chair shall be appointed by the county executive and confirmed by the legislature, and shall not be one of the twenty four members previously stated.]~~

The council shall consist of fifteen members to be appointed by the county executive subject to confirmation by the county Legislature. The county executive shall appoint to the council at least two persons recommended by each of the majority and minority leaders of the Legislature.

Nominations for the remaining positions shall be actively solicited from groups which represent and are active in children and family issues. The departments of health, mental health, probation, social services and office of the disabled shall each designate one person to serve as an ex-officio non-voting member of the council.

The term of office for all members of the Council, with the exception of ex-officio members, shall be two (2) years.

The council shall have the authority to appoint ad hoc council members to advise them, as they may deem necessary.

The council shall have at least four meetings each year with at least one meeting to be in each quarter of the year. The council shall adopt rules and procedures for its meetings; shall keep accurate records of its meetings and activities, and shall file an annual report of its activities and recommendations with the county legislature and the county executive.

~~[The council shall convene for its first meeting in the quarter of the year in which they are appointed. The council shall present its first annual report to the legislature and the county executive before adoption of the annual budget in the year they are appointed, and every year thereafter on June first.~~

~~The annual report shall include the methodology for acquiring accurate statistics, which the council will use to evaluate and plan for services. Also, they should report any short term budget recommendations for the nineteen hundred ninety three budget.~~

~~The council shall then make yearly budget recommendations and five year service plans.]~~

Section 22-C-04. The county executive. The county executive shall require any county department, division, board, council, committee, authority or agency, or other unit or any agency or organization receiving county funding, to provide such facilities, assistance and data as will enable the commission to properly effectuate its powers and duties under this article.

Section 22-C-05. Staff. The council shall be provided with a coordinator, under the auspices of the county executive to serve the council in capacities which include managing the correspondence of the council; providing a schedule of meeting dates; distributing a calendar of information on programs and events members may be interested in attending. The coordinator shall also serve as research assistant, and coordinate and implement the use of the monitoring mechanism, so that the council shall have service and program data to use in its planning efforts. The council and its coordinator shall also have access to secretarial staff as needed to complete its tasks.

~~[Section 22-C-06. Effective date. This law shall take effect immediately.]~~

Section 3: EFFECTIVE DATE.

This Local Law shall take effect immediately.

Sponsored By: Legislator Dixon

MR. LORIGO moved to approve Local Law No. 2 (Print #1) 2014. MS. DIXON seconded.

CHAIR MILLS directed a roll-call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON, MR. RATH. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

COMMITTEE REPORTS

Item 29 – MR. MORTON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 95

April 24, 2014

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6E-13 (2014)
MILLS: “Commissioner Jann's Request for Re-appointment as EC Water Authority Commissioner”
(6-0)
 - b. COMM. 7M-2 (2014)
EC FISHERIES ADVISORY BOARD: “2013 Annual Report”
(5-0, Legislator Burke not present for vote)
 - c. COMM. 7M-3 (2014)
NYS OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION:
“Statewide Comprehensive Outdoor Recreation Plan 2014-2019”
(5-0, Legislator Burke not present for vote)

d. COMM. 8E-10 (2014)
COUNTY EXECUTIVE: "EC Sewer District No. 4 Engineer Term Contract Agreement
CRA Infrastructure & Engineering, Inc"
(5-0, Legislator Burke not present for vote)

2. COMM. 7E-10 (2014)
COUNTY EXECUTIVE

WHEREAS, in 2004 the County Legislature of the County of Erie, New York (the "County Legislature") adopted a plan of service or improvement the Erie County Sewer Agency (the "2004 Plan") for Sewer District No.1 (the "District") that recommended the expenditure of \$4,000,000 to rehabilitate sanitary sewers and infiltration and inflow projects within the District (collectively, the "2004 Project"); and

WHEREAS, several of the components of the 2004 Project have been completed; and

WHEREAS, at the direction of the County Legislature, the Erie County Sewer Agency and the Erie County Department of Environment and Planning caused a report entitled *Erie County Sewer Agency Report - Erie County Sewer District No. 1 For A Modifications of Plans (2013)* (the "Report") to be prepared, which Report recommends the modification of the 2004 Plan and the approval of certain additional improvements within the District, including but not limited to improvements of sanitary sewer lines, pumping stations and/or treatment facilities and related necessary appurtenances (the "Modification of Plans"); and

WHEREAS, on October 4, 2013 the Board of Managers of the District (the "Board of Managers") accepted and adopted the Report and recommended that the Report be submitted to the County Legislature for consideration and action; and

WHEREAS, the Report and the recommendation of the Board of Managers was filed with the County Legislature on October 22, 2013; and

WHEREAS, the Modification of Plans will not result in an increase in the amount of the estimates or the original bond authorization set forth in the 2004 Report, of which there is currently \$3,432,596 in unused authorization; and

WHEREAS, said County Legislature duly adopted Resolution 20E-13 on the 16th day of January, 2013, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider the Modification of Plans in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 19th day of February, 2014, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for the facilities of Erie County Sewer District No. 1 in the County of Erie, New York, all as more fully described in the preambles hereof and in the Report, and such Modification of Plans for the improvement of facilities for the District is hereby authorized.

Section 2. This resolution shall take effect immediately.

(6-0)

3. COMM. 7E-11 (2014)
COUNTY EXECUTIVE
“EC Sewer District No. 3 Engineer Term Agreement URS Corp”
(Receive, file and print)

4. COMM. 8E-8 (2014)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Public Works received bids for the Emery Park – 2013 Reconstruction of Shelter No. 12 project on March 19, 2014; and

WHEREAS, the lowest responsible bidder is Nichter Construction Inc.; and

WHEREAS, the Erie County Department of Public Works, along with DiDonato Associates, are recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Emery Park – 2013 Reconstruction of Shelter No. 12 project for an amount not to exceed as follows:

General Construction Work	
Nichter Construction Inc.	Base Bid: \$ 89,700.00
	<u>Alternate Bid Alt.-1 \$ 15,000.00</u>
Total Award of Construction Contract:	\$104,700.00

and be it further

RESOLVED, that the sum of \$10,000.00 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project accounts as follows:

A.13008	2013 Countywide Parks Improvements	\$ 70,500.00
A.13010	2013 Countywide Shelter, Building and Comfort	
	Station Replacement	<u>\$ 44,200.00</u>
	For an amount not to exceed	\$114,700.00

; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller, and the Department of Parks, Recreation, and Forestry.

(5-0, Legislator Burke not present for vote)

5. COMM. 8E-9 (2014)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the reappointments of David L. Barus (2246 Center Road, East Aurora, NY 14052) and Joseph Jemiolo (4898 Langford Road, North Collins, NY 14211) to serve on the Erie County Fisheries Advisory Board, for terms ending December 31, 2016.

(5-0, Legislator Burke not present for vote)

TED B. MORTON
CHAIR

Item 30 – MS. DIXON presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 96

April 24, 2014

HEALTH & HUMAN SERVICES
COMMITTEE

REPORT NO. 6

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:

a. COMM. 5M-15 (2014)
SHELLY SCHRATZ: "VIVE La Casa"
(6-0)

b. COMM. 5M-16 (2014)

FOOD BANK OF WNY: "Request Assistance to Restore Funding in Governor's Proposed Budget"
(6-0)

- c. COMM. 7M-6 (2014)
ECMC CORPORATION: "2013 Annual Report"
(6-0)

- 2. COMM. 7E-15 (2014)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of Maya Hu (52 Edgebrook Estates #8, Cheektowaga, NY 14227), John Gillick (67 Highland Avenue, Buffalo, NY 14222), and Erica Westphal (572 Auburn Avenue, Buffalo, NY 14222) to serve on the Erie County Mental Hygiene Community Services Board, for terms ending December 31, 2015.
(6-0)

LYNNE M. DIXON
CHAIR

Item 31 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 97

April 24, 2014

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 4

ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

- 1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 24D-1 (2013)
COMPTROLLER'S OFFICE: "Audit of the Gasboy Fuel Management System"
(6-0)
 - b. COMM. 1D-2 (2014)
COMMISSIONER OF PUBLIC WORKS: "Response Letter to Comptroller Audit of Fleet Services - Gasboy Fuel System for the Period 1/1/2011 - 12/31/2012"
(6-0)
 - c. COMM. 7E-12 (2014)
COMPTROLLER: "2014 Capital Borrowing"
(6-0)

- d COMM. 7E-13 (2014)
COMPTROLLER: "Dec 2013-Feb 2014 Report - Net Collections from the Local 4.75% Sales and Compensating Use Tax"
(6-0)
- e COMM. 7M-4 (2014)
ERIE TOBACCO ASSET SECURITIZATION CORPORATION: "2013 Annual Report and Audited Financial Statements"
(6-0)
- f COMM. 8E-11 (2014)
MILLS, LORIGO, HARDWICK, RATH, MORTON, GRANT, LOUGHRAN, BURKE & DIXON: "Letter to Governor Cuomo Regarding Approval of 'Home Rule' Requests"
(6-0)

2. COMM. 1D-8 (2014)
EC REAL PROPERTY TAX SERVICES AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 214110 through 214120 , inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR	2014	Petition No.	214,110.00
ASSESSOR	Cancel	\$11,925.61	
S-B-L	27.19-2-13.1	1573-1595 N Frenc	142289 AMHERST
	Acct. No. 112	\$6,078.31	County
	Acct. No. 132	\$5,847.30	Town/SpecialDist/School
	22028 GETZVLE FIRE PROTECTION	\$915.00	
Charge To :	142289 AMHERST	\$4,932.30	

RPTL550(2) Non-Profit exemption removed in error
New tax bill to be issued

FISCAL YEAR	2013	Petition No.	214,111.00
ASSESSOR	Cancel	\$22,036.05	
S-B-L	27.19-2-13.1	1573-1595 N Frenc	142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$22,036.05	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$22,036.05	
	Relevy School	\$22,036.05	

RPTL550(2) Non-Profit exemption removed in error
New tax bill to be issued

FISCAL YEAR 2013 Petition No. 214,112.00

 ASSESSOR Refund \$530.94
S-B-L 91.11-5-40 511 Beach Rd 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$530.94	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$530.94	
	Relevy School	\$530.94	

RPTL550(2) failed to applied aged exemption
Refund to be issued to Betty Taylor

FISCAL YEAR 2014 Petition No. 214,113.00

 ASSESSOR Refund \$676.71
S-B-L 91.11-5-40 511 Beach Rd 143089 CHEEKTOWAGA

	Acct. No. 112	\$236.84	County
	Acct. No. 132	\$439.87	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$439.87	

RPTL550(2) failed to applied aged exemption
Refund to be issued to Betty Taylor

FISCAL YEAR 2014 Petition No. 214,114.00

 ASSESSOR Refund \$282.00
S-B-L 123.28-4-12 81 Meadowbrook P 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$282.00	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$282.00	

RPTL550(2) incorrect special district charged
Refund to be issued to Susan Kowalski

FISCAL YEAR	2014	Petition No.	214,115.00
	ASSESSOR	Refund	\$1,410.00
S-B-L	206.07-1-42	6852 Chaffee Ct 144489 EVANS	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,410.00	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS	\$1,410.00	

RPTL550(2) Demo charge applied to the wrong parcel
Refund to be issued to Ronald & Jennifer Carlson

FISCAL YEAR	2013	Petition No.	214,116.00
	ASSESSOR	Refund	\$1,658.92
S-B-L	246.00-1-32	8795 Phillips Rd 145000 HOLLAND	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,658.92	Town/SpecialDist/School
<u>Charge To :</u>	145000 HOLLAND	\$1,658.92	
	Relevy School	\$1,658.92	

RPTL550(2) Failed to apply senior and enhanced star exemption
Refund to be issued to Janice Bartoszek

FISCAL YEAR	2014	Petition No.	214,117.00
	ASSESSOR	Refund	\$535.75
S-B-L	246.00-1-32	8795 Phillips Rd 145000 HOLLAND	
	Acct. No. 112	\$325.52	County
	Acct. No. 132	\$210.23	Town/SpecialDist/School
<u>Charge To :</u>	145000 HOLLAND	\$210.23	

RPTL550(2) Failed to apply senior exemption
Refund to be issued to Janice Bartoszek

FISCAL YEAR	2014	Petition No.	214,118.00
	OWNER	Refund	\$464.10
S-B-L	116.00-2-25.11	5949 Broadway St 145289 LANCASTER	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$464.10	Town/SpecialDist/School
	52502 ECSD#4 USER CHARGE	\$464.10	
<u>Charge To :</u>	145289 LANCASTER	\$0.00	

RPTL550(2) incorrect special district charged
Refund to be issued to Greenfield Manor

FISCAL YEAR 2013 Petition No. 214,119.00

OWNER Refund \$170.75
S-B-L 104.56-4-3 17 Laverack Ave 145201 DEPEW

Acct. No. 112 \$0.00 County
Acct. No. 132 \$170.75 Town/SpecialDist/School
52800 EC#4 SS DEPEW LANC \$170.75
Charge To : 145201 DEPEW \$0.00

RPTL550(2) incorrect special district charged
Refund to be issued to Robert P. Kicak

FISCAL YEAR 2014 Petition No. 214,120.00

OWNER Refund \$170.75
S-B-L 104.56-4-3 17 Laverack Ave 145201 DEPEW

Acct. No. 112 \$0.00 County
Acct. No. 132 \$170.75 Town/SpecialDist/School
52800 EC#4 SS DEPEW LANC \$170.75
Charge To : 145201 DEPEW \$0.00

RPTL550(2) incorrect special district charged
Refund to be issued to Robert P. Kicak

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real
Property Tax Services.
(6-0)

3. INTRO. 7-5 (2014)

HARDWICK, MILLS, RATH, DIXON, LORIGO, MORTON & LOUGHRAN

WHEREAS, representatives from the administration, the Comptroller's Office and the Erie
County Fiscal Stability Authority appeared before the Legislature on April 3rd, 2014 to discuss the
issue of borrowing for the 2014 capital projects; and

WHEREAS, the Erie County Fiscal Stability Authority ("ECFSA") stated that it could save
taxpayers approximately \$1,000,000, which was undisputed; and

WHEREAS, it is undisputed that the ECFSA has a superior bond rating to Erie County; and

WHEREAS, as a result of the superior bond rating the Control Board will be able to negotiate better rates on bonds than could the County of Erie; and

WHEREAS, those legislators that seek to save a certain \$1 million, the majority of the members of the Erie County Legislature, request that the County Executive support the ECFSA conducting borrowing on behalf of Erie County

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the County Executive issue a Declaration of Need for the Erie County Fiscal Stability Authority to conduct capital borrowing for the 2014 Consolidated Bond Resolution, as well as a re-funding of current bonds; and be it further

RESOLVED, that copies of this resolution be forwarded to the County Executive, the County Comptroller and the ECFSA.
(6-0)

JOSEPH C. LORIGO
CHAIR

Item 32 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 98

April 24, 2014

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7M-1 (2014)
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION: “89 LaSalle Ave Update”
(6-0)
 - b. COMM. 8E-14 (2014)
MILLS: “Public Hearing - Transfer Tax”
(6-0)
 - c. COMM. 8D-2 (2014)
CLERK OF THE LEGISLATURE: “Public Hearing Notice - Transfer Tax”
(6-0)

- d. COMM. 8M-2 (2014)
NFTA: "Board Minutes from the Feb. 27, 2014 Meeting"
(6-0)
- e. COMM. 8M-3 (2014)
NFTA: "Revised Annual Budget Ending FY2015"
(6-0)
- f. COMM. 8M-4 (2014)
NYSDEC: "Copy of Record of Decision for 1318 Niagara St. Site"
(6-0)

2. INTRO. 5-8 (2014)

BURKE

AS AMENDED

WHEREAS, The Governor of New York State, Andrew Cuomo, has committed considerable state resources to Western New York commonly known as the Buffalo Billion; and

WHEREAS, a Volkswagen site could prove to be a large economic driver to Western New York; and

WHEREAS, the labor rates at comparable plants in Western New York offer a competitive advantage compared to many Southern plants; and

WHEREAS, the New York State Power Authority could attract Volkswagen to Erie County with low cost power.

NOW, THERFORE, BE IT

RESOLVED, that this honorable body does hereby express our support for attracting Volkswagen to Erie County; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Governor of New York State, Andrew Cuomo; Erie County Executive, Mark Poloncarz; City of Buffalo Mayor, Byron Brown; CEO of Volkswagen of America, Michael Horn; Western New York Regional President of the Empire State Development Corporation, Sam Hoyt; Co-Chair of the Western New York Regional Development Council, Howard Zemsky; United Auto Workers Region 9 Director, Scott Adams; Volkswagen Works Council, Bernd Osterloh; U.S. Representative for New York's 26th congressional district, Brian Higgins; City of Buffalo Common Council; New York State Assembly; New York State Senate; Erie County Industrial Development Agency; The Buffalo Niagara Enterprise.

(6-0)

3. INTRO. 5-9 (2014)

RATH

WHEREAS, access to the internet allows for the dissemination of ideas and information at a pace unimagined only a decade ago; and

WHEREAS, the use of broadband cable to access the internet has allowed for individuals to examine and share enormous quantities of data almost instantaneously; and

WHEREAS, many of the crops and resources that we use and rely on everyday come from members of our community located in the outskirts of our cities and towns where broadband cable does not exist yet; and

WHEREAS, these members of our community who supply us with locally grown crops and related resources would benefit greatly from the ability to access high speed internet including real-time weather information, continuously updated commodity prices, and information on intended crops and pest outbreak details from the entire country; and

WHEREAS, other local community safety services, such as volunteer firefighters and EMTs, would benefit from the availability of high speed internet, which would assist in their communication with units in the field as well as the entire community; and

WHEREAS, there are still significant rural portions of Erie County that are not properly served by broadband internet access due to factors such as low population density and geographic isolation making their development by service providers unlikely; and

WHEREAS, in the past the State of New York and the Federal government have implemented funding and proposed plans to enable access to broadband services in these remote locations including Connect NY and Regional Economic Development Grants; and

WHEREAS, funding in 2014, through the State budget, has been dramatically decreased to \$9 million from \$25 million in 2013.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body encourages and supports initiatives, including the Connect NY Broadband Grant Program and the Regional Economic Development Councils, by the state and federal governments to enable high-speed internet access via broadband internet connectivity; and be it further

RESOLVED, that certified copies of this resolution be sent to the New York Governor's Office, the Local delegation of the New York State Legislature, and all other parties deemed necessary and proper.
(6-0)

4. COMM. 8E-6 (2014)
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, Mass Ave Community Homes Housing Development Fund Corporation and Mass Ave Community Homes, LLC are developing housing for low and very low income households (Project), pursuant to Article XI of the New York Private Housing Finance Law; and

WHEREAS, the Project is located in the City of Buffalo, New York along Sherwood Street, Hampshire Street, Massachusetts Avenue, 14th Street, 19th Street, Chenango Street, West Utica Street, Vermont Street and Normal Street; and

WHEREAS, the Project will serve low and very low income households and will include 16 buildings providing 46 rental housing units and 800 square feet of leasable commercial space; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Mass Ave Community Homes Housing Development Fund Corporation and Mass Ave Community Homes, LLC to operate the housing complex it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Mass Ave Community Homes Housing Development Fund Corporation, Mass Ave Community Homes, LLC, the City of Buffalo, New York and appropriate other organizations necessary to carry out the Agreement relating to Mass Ave Community Homes and all other contracts necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto. Payment under the Agreement will be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.
(6-0)

5. COMM. 8E-7 (2014)
COUNTY EXECUTIVE

WHEREAS, the Erie County Rath Building parking garage exhibits various levels of deterioration and repairs are essential for the protection and preservation of the building; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into an General A/E Agreement with the architectural firm of Clark Patterson Lee for providing Architectural/Engineering Services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment with the architectural and engineering firm of Clark Patterson Lee for providing Architectural/Engineering Services for the Erie County Rath Building Parking Garage Repairs and Waterproofing Project; and

WHEREAS, Lydon Architectural has recently submitted qualifications complying with this department's term agreements and this department is requesting this firm be added to the term list of Architectural/Engineering firms.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement Amendment to Clark Patterson Lee for providing Architectural/Engineering Services for the Erie County Rath Building, Parking Garage Repairs and Waterproofing Project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project: A.00043 – 2002 – Rath Parking Garage for an amount not to exceed \$25,000.00, including a design contingency; and be it further

RESOLVED, that the firm of Lydon Architectural be added to this department's Architectural/Engineering term agreement; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

EDWARD A. RATH, III
CHAIR

Item 33 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 99

April 24, 2014

COMMUNITY ENRICHMENT COMMITTEE
REPORT NO. 4

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 4D-2 (2014)
COMMISSIONER OF ENVIRONMENT AND PLANNING: "2013 Cultural Agreement with Erie County"
(5-0)

KEVIN R. HARDWICK
CHAIR

Item 34 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 100

April 24, 2014

GOVERNMENT AFFAIRS COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3M-6 (2014)
MICHELE M. IANNELLO: "Letter of Interest in Vacant 3rd District Erie County Legislator Position"
(4-0, Legislator Miller-Williams not present for vote)
 - b. COMM. 4M-5 (2014)
AMBER A. SMALL: "Letter of Interest in Vacant 3rd District Erie County Legislator Position"
(4-0, Legislator Miller-Williams not present for vote)
 - c. COMM. 5M-14 (2014)
PATRICK J. RUFFINO: "Follow-Up to Letter of Interest in Vacant 3rd District Erie County Legislator Position"
(4-0, Legislator Miller-Williams not present for vote)
 - d. COMM. 6E-5 (2014)
BURKE: "Lease Agreement for Legislative Office Space"
(4-0, Legislator Miller-Williams not present for vote)
 - e. COMM. 7M-5 (2014)
BOARD OF SUPERVISORS, FULTON COUNTY: "Resolution Denying NYS Permission to use County Seal for Enforcement of 'SAFE Act'"
(5-0)
2. COMM. 7E-14 (2014)
COUNTY EXECUTIVE
WHEREAS, the below grant programs are included in Book B of the 2014 Adopted Budget;
and

WHEREAS, the 2014 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal 2014.

NOW, THEREFORE, BT IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director

of Budget and Management with respect to the availability of State, Federal or other funding sources, for the following grant programs:

2014 Book B Adopted Grants

Department - Grant Title	Grant Start Date	Total Appropriation
Dept. of Law/County Attorney		
Aid To Localities- Indigent Defense Program	4/1/14	184,200
Indigent Legal Services	6/1/14	485,043
Total Department		669,243
Central Police Services		
Aid to Crime Labs Program	7/1/14	1,350,276
DNA Backlog Crime Laboratory Equipment	1/1/14	695,031
Firearms Lab Backlog Reduction	1/1/14	82,551
National Forensic Sciences Improvement	10/1/14	29,562
Project Impact	7/1/14	190,033
Child Passenger Safety (Car Seat)	10/1/14	7,500
Total Department		2,354,953
District Attorney		
Aid to Prosecution	4/1/14	1,676,384
BE-SAFE Program	10/1/14	386,340
Crimes Against Revenue Program	1/1/14	422,309
Federal Family Violence Prevention Svcs Act	3/31/14	64,760
Motor Vehicle Theft & Ins Fraud Prev	1/1/14	121,966
Operation Impact	7/1/14	792,770
Stop Violence Against Women Program	1/1/14	148,893
Victim/Witness Assistance Program	10/1/14	506,407
Total Department		4,119,829
Probation		
200% of Poverty Alternative to Incarceration	1/1/14	115,210
ATI Community Service Sentencing	7/1/14	79,319
ATI Pre-Trial Project	7/1/14	212,079
BE-SAFE Probation	10/1/14	143,775
Intensive Supervision Program	1/1/14	294,693
Juvenile Accountability	1/1/14	18,735
Office of Victim Services	10/1/14	67,932
Operation Impact - Probation	7/1/14	229,351
Total Department		1,161,094
Sheriff		
Impact Enhancement	7/1/14	130,434
Total Department		130,434

Senior Services

Areawide Agency on Aging	1/1/14	1,669,739
Community Services for the Elderly	4/1/14	1,419,505
Congregate Dining Nutrition Program	1/1/14	2,499,210
Congregate Services Initiative Program	4/1/14	38,616
Disease Prevention & Health Promotion Services	1/1/14	92,618
Elder Caregiver Support Program	1/1/14	785,450
Expanded In-Home Services for the Elderly	4/1/14	3,591,126
Hlth Insurance Info, Counseling & Assistance	4/1/14	59,833
Home Delivered Nutrition Program	1/1/14	817,222
New York Connects	10/1/14	175,947
Nutrition Services Incentive	10/1/14	686,597
NYS Areawide Agency on Aging Transportation	4/1/14	61,463
NYS Retired Senior Volunteer Program	4/1/14	6,368
Retired Senior Volunteer Program (RSVP)	4/1/14	168,021
Senior Aides Program (Title V)	7/1/14	871,264
Senior Community Services Employment	7/1/14	298,384
Wellness in Nutrition	4/1/14	1,134,843
Total Department		14,376,206

Health

Breast & Cervical Cancer Early Detection	6/30/14	119,023
Expanded Partner Services	7/1/14	75,000
Expanded Syringe Access and Disposal Project	7/1/14	49,000
HIV Partner Notification Program	10/1/14	201,811
Immunization Action Plan	4/1/14	300,000
Komen for the Cure of Breast Cancer CSP	4/1/14	70,000
Partners for Prevention Clinical Services CSP	4/1/14	237,627
Partners for Prevention Program CSP	4/1/14	250,000
Public Health Campaign STD	4/1/14	153,960
Public Health Campaign TB	3/31/14	338,744
STD Outreach Intervention	1/1/14	118,407
Medical Response Corps	7/1/14	5,000
PH Preparedness/Response to Bioterrorism	7/1/14	578,139
Beach Water Quality Monitoring	10/1/14	11,250
Childhood Lead Poisoning Prevention	10/1/14	586,201
Enhanced Drinking Water Protection	4/1/14	135,506
Healthy Neighborhoods	4/1/14	259,474
Lead Poisoning Primary Prevention	4/1/14	1,022,133
Public Health Laboratory Response Network	7/1/14	82,698
Youth Tobacco Enforcement & Prevention	4/1/14	237,348
Forensic Science Improvement	10/1/14	170,330
Highway Safety	10/1/14	15,000
Medical Examiner Toxicology Lab Aid	7/1/14	90,000
National Forensic Science Improvement	10/1/14	22,484
Children with Special Health Care Needs	10/1/14	84,119
Total Department		5,213,254

County Executive

Office of Workforce Development	1/1/14	210,328
Total Department		210,328
Environment & Planning		
Community Development Block Grant	4/1/14	4,043,597
Total Department		4,043,597
Library		
Central Library Book Aid	1/1/14	59,973
Central Library Development Aid	1/1/14	259,977
Continuity of Service	1/1/14	41,939
NYS Library System Automation	1/1/14	64,167
Coordinated Outreach Program	1/1/14	141,683
Library Svcs to County Correctional Facilities	4/1/14	7,354
Library Svcs to State Correctional Facilities	1/1/14	38,351
Total Department		613,444
Grand Total		32,892,382

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into subcontracts with community agencies funded under the above grants as indicated in Book B of the 2014 Adopted Budget, and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues, including contractual agency amounts, based on grantor requirements or county share adjustments, provided there are no changes to authorized personnel levels, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following departments: District Attorney, the Office of the Sheriff, Probation, Senior Services, Central Police Services, the Library, the Health Department, the Office of the Comptroller, the Department of Environment and Planning, the County Attorney's Office and the Division of Budget and Management.

(5-0)

3. COMM. 8E-12 (2014)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment of David Palmer to the Erie County Deferred Compensation Committee.
(Receive, file and print)

KEVIN R. HARDWICK
CHAIR

Item 35 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 101

April 24, 2014

PUBLIC SAFETY COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:

a. COMM. 2M-5 (2014)
EC FIRE DISTRICT OFFICERS ASSOCIATION: “Imposition of Fees on Volunteer Firefighters”
(5-0)

2. INTRO. 5-10 (2014)
RATH

WHEREAS, New York State and Erie County have seen dramatic decreases in the number of volunteer firefighter and emergency service trainees; and

WHEREAS, this long-term trend persists despite the successful efforts of volunteer organizations and their recent gains in membership within Erie County; and

WHEREAS, the drop in volunteers is partly due to the increase in difficulty and training required to join one of these programs; and

WHEREAS, other factors leading to the decrease in number of volunteers are the time commitment and hazard associated with the work, the risk people take that their volunteer work may interfere with their full-time employment, and the increase costs for health insurance due to the nature of the volunteer work; and

WHEREAS, volunteers in these programs are vital to the protection and assistance of a significant population of our State and County; and

WHEREAS, full-time providers are not staffed at adequate levels to eliminate the need for these volunteer programs; and

WHEREAS, many towns and associations believe that increased incentives offered to our volunteers would increase both the number of qualified trainees as well as improve the retention rates for the individual programs; and

WHEREAS, programs initiated to encourage individuals to sign up for volunteer programs include preventing full-time employers from firing the volunteers for missing work when the volunteer is responding to an emergency, potential real-property tax exemptions for volunteers, offer

volunteers certain tax credits for their time, allow for the volunteer's length of service awards to be made tax free, or ensure that health insurance for the volunteers is offered at the same rate as it is for paid firefighters.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the efforts of Assemblymen Magee (A2444) and Senator Griffo (S2090), Assemblyman Zebrowski (A1315), and Senator Ritchie (S2111) which serve to incentivize volunteer membership through various tax credits; and be it further

RESOLVED, that certified copies be sent to the WNY Delegation of the State Legislature, Governor Andrew Cuomo's Office, and any other parties deemed necessary and proper.
(5-0)

3. COMM. 7E-18 (2014)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health's Division of Correctional Health requires an electronic health record; and

WHEREAS, Erie County Department of Health strives to contract with the highest quality and most cost effective vendors; and

WHEREAS, a Request for Proposal was made to solicit qualified electronic health record respondents; and

WHEREAS, an evaluation committee was formed to review these proposals; and

WHEREAS, Fusion Consulting, Incorporated was chosen as the most qualified and cost effective respondent.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Fusion Consulting Incorporated; and be it further

RESOLVED, that the term of this contract shall commence on May 1, 2014 through May 1, 2017 with the County at its sole discretion extending the contract for up to two, one-year periods; and be it further

RESOLVED, that funding for this contract is available in capital project A.00334 and is hereby approved for appropriation for this contract in an initial amount totaling \$165,655 with annual recurring support costing \$18,570; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and to Dr. Gale R. Burstein, Commissioner of Health.
(5-0)

4. COMM. 7E-19 (2014)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health's Division of Correctional Health and Division of Health require pharmaceutical management services; and

WHEREAS, Erie County Department of Health strives to contract with the highest quality and most cost effective vendors; and

WHEREAS, a Request for Proposals was made to solicit qualified pharmaceutical management respondents; and

WHEREAS, an Evaluation Committee was formed to review these proposals; and

WHEREAS, Diamond Drug, Inc. was chosen as the most qualified and cost effective respondent.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Diamond Drug Inc. for the provision of pharmaceutical services in the Department of Health; and be it further

RESOLVED, that the term of this contract shall commence on May 1, 2014 through May 1, 2016; and be it further

RESOLVED, that funding is currently available for these pharmaceutical services in the 2014 Budget of the Department of Health's Division of Correctional Health Services, Account 505800 (Medical and Health Supplies); and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and to Dr. Gale R. Burstein, Commissioner of Health.
(5-0)

EDWARD A. RATH, III
CHAIR

LEGISLATOR RESOLUTIONS

Item 36 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

RESOLUTION NO. 102

RE: Request for Additional Road Funding
(INTRO. 10-1)

WHEREAS, the residents of Erie County have suffered through one of the worst winters in recorded history with record levels of snow fall and a remarkable number of exceptionally frigid days; and

WHEREAS, due to the constant low temperatures and the necessity of road clearing the County of Erie road system has sustained a large amount of damage requiring an unusual amount of repairs; and

WHEREAS, the County Executive has said in his press release that they were able to repair an additional dozen projects through \$4.5 million in additional funds he put into the road budget; and

WHEREAS, the Erie County Legislature believes that more funding should be spent on roads in this year to help mitigate more of the damage our roads have suffered; and

WHEREAS, an additional \$5 million taken from the fund balance, of a total balance of almost \$90 million, would leave the County with more than sufficient reserves for county expenditures while allowing more projects to be completed; and

WHEREAS, the additional funding will allow the Department of Public Works to complete several more projects for the 2014 construction season.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby transfers \$5 million from the fund balance and transfers that to the Department of Public Works as an increase to their overall budget to be spent on any additional projects in 2014; and be it further

RESOLVED, that the transferred funds shall only be spent on road repair and related costs in the 2014 fiscal year and may not be spent for any other purpose; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive Mark Poloncarz office, the Office of the Comptroller, the Department of Public Works, and all parties deemed necessary and proper.

MS. GRANT moved to send the item to committee for further consideration. MR. BURKE seconded.

CHAIR MILLS directed that a roll-call vote be taken.

AYES: MR. BURKE, MS. GRANT, MS. MILLER-WILLIAMS, MR. SAVAGE. NOES: MR. LOUGHRAN, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON, MR. RATH. (AYES: 4; NOES: 7)

FAILED.

CHAIR MILLS moved the previous question and directed that a roll-call be taken.

AYES: MR. LOUGHRAN, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON, MR. RATH. NOES: MR. BURKE, MS. GRANT, MS. MILLER-WILLIAMS, MR. SAVAGE. (AYES: 7; NOES: 4)

CARRIED.

MR. LORIGO moved that the legislature recess for five minutes. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

The legislature entered into recess at 2:40 PM.

CHAIR MILLS reconvened the legislature at 2:45 PM.

All members present.

MR. LORIGO moved to reconsider INTRO. 10-1. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS directed INTRO. 10-1 to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 37 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

RESOLUTION NO. 103

RE: Amendment to the 2014 Rules of the
Legislature
(INTRO. 10-2)

WHEREAS, the Erie County Legislature would like to amend the Erie County Rules of Order for the Erie County Legislature; and

WHEREAS, one day notice is required to be filed with the Clerk of the Legislature pursuant to section 5.10 of the 2014 rules.

NOW, THEREFORE, BE IT

RESOLVED, the following subsection is added to section 5.09:

5.09 (9) OATH OR AFFIRMATION:

The Chair of the Legislature, or committee, has the power to request anyone speaking in front of the Legislature take an oath affirming the truthfulness of the information being presented on the floor. This applies to any situation where the Legislature will be using the facts presented in making a decision. The discretion to use this power is within the control of the Chairperson of the Legislature or committee, depending on the body being presented with the information.

The Chair in charge of the meeting will ask the speaker, "Do you swear that what you are about to present is, to the best of your knowledge, both true and correct?" Speaker must answer in the affirmative or leave the floor until such a time as they are able to make the oath in the affirmative. If the speaker is unable to answer in the affirmative, a vote of the majority of the committee or the Legislature as a whole shall be taken as to whether to allow him or her access to the floor.

RESOLVED, that certified copies of this resolution be sent to all elected officials in Erie County.

MS. GRANT moved to send the item to committee for further consideration. MS. MILLER-WILLIAMS seconded.

CHAIR MILLS directed that a roll-call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS.
NOES: MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON, MR. RATH. (AYES: 4; NOES: 7)

FAILED.

CHAIR MILLS moved the previous question and directed that a roll-call be taken.

AYES: MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON, MR. RATH. NOES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS. (AYES: 7; NOES: 4)

CARRIED.

Item 38 – MR. LORIGO presented the following resolution and moved for consideration. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 104

RE: Surplus Authorization for Hamlin Park
Community & Taxpayers' Association,
Inc.
(INTRO. 10-3)

WHEREAS, the Hamlin Park Community & Taxpayers' Association, Inc. is a not-for-profit organization and valuable community resource for neighborhood block club meetings, providing seminars and workshops for area residents, and promoting community building, collaborations and neighborhood wellness; and

WHEREAS, the Hamlin Park Community & Taxpayers' Association has initiated a computer training program, with classes for members of the community, especially children and

older residents, and is in need of some furniture in order to complete the computer training program; and

WHEREAS, the Hamlin Park Community & Taxpayers' Association, Inc. has limited financial resources to purchase needed furniture to furnish the room that will be dedicated to the computer program; and

WHEREAS, Erie County has an inventory of surplus items that are no longer required by various departments of Erie County government; and

WHEREAS, the reuse of office furniture and equipment by non-profit organizations based in Erie County is an effective strategy for County taxpayers' to maximize their return on investment; and

WHEREAS, authorization of the Erie County Legislature is necessary to effectuate the transfer of Erie County surplus property.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature finds it cost-effective that the Division of Purchase and the Hamlin Park Community & Taxpayers' Association, Inc. have worked together to employ a reuse strategy for certain surplus property no longer needed by Erie County; and be it further

RESOLVED, that the following surplus property is hereby authorized by the County Legislature to be transferred to the Hamlin Park Community & Taxpayers' Association, Inc. for their use:

Table/Desk	Control #195990
Brown Table	Control #451375
Round Table	Control #57779
Large Conference Table	No control number available
Brown Table	No control number available
Brown Table	No control number available
Small Desk	No control number available
Vertical Cabinet	Control #230639
Vertical Cabinet	Control #217423
Wood Table	Control #109540

and be it further

RESOLVED, that the Clerk of the Erie County Legislature is directed to forward certified copies of this resolution to the County Executive, the Director of the Division of Purchasing and to the Hamlin Park Community & Taxpayers' Association, Inc. (60 Hedley Place, Buffalo, NY 14208).

MR. LORIGO moved to amend to include et. al. sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to approve as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 39 – CHAIR MILLS directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 10-4 from MILLS. Agricultural Districts - Establishment of New Annual Thirty-Day Period to Consider Inclusion of Parcels.

Item 40 – MR. LORIGO presented the following resolution and moved for consideration. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 105

RE: New York State Public Service
Commission to Approve Electrical
Transmission Upgrades
(INTRO. 10-5)

WHEREAS, the United States Department of Energy and the New York Independent System Operator have identified New York state electric transmission lines as being aged and unable to deliver adequate capacity, a condition otherwise known as “transmission congestion”; and

WHEREAS, New York State customers are paying \$650 million in fees and increased costs each year due to the congestion, inefficiency, and unreliability of New York’s electric grid; and

WHEREAS, to meet the growing demand for electrical consumption of New York City the Governor proposed the Energy Highway Initiative in 2012, which would also alleviate the depressed energy prices in Upstate New York and the increased costs in downstate New York; and

WHEREAS, this plan calls for the investment in State infrastructure to be increased to allow for 1,000 megawatts of electrical capacity can be transferred from Upstate New York to New York City; and

WHEREAS, the Public Service Commission initiated the AC transmission proceeding in order to vet various transmission proposals generated from the Energy Highway Initiative; and

WHEREAS, this proposed initiative intends to create tens of thousands of total jobs as well as reduce the carbon and nitrous oxide emissions by over 350,000 and 200,000 tons, respectively; and

WHEREAS, Governor Cuomo called for an expedited approval process for transmission upgrades that are undertaken within the existing right of way.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls upon the Public Service Commission to act expeditiously to approve the necessary transmission upgrades through the AC transmission proceeding, so that Western New York and the entire state may realize the economic and environmental benefits that such upgrades will provide; and be it further

RESOLVED, that certified copies of this resolution to be sent to Governor Cuomo, the WNY Delegation for the New York State Senate and Assembly, Kathleen Burgess the Secretary to the New York Public Service Commission and all other parties deemed necessary and proper.

MR. LORIGO moved to amend to include et. al. sponsorship, with the exception of Mr. Rath. MS. DIXON seconded. MR. RATH abstained.

CARRIED (10-0-1).

MR. LORIGO moved to approve as amended. MS. DIXON seconded. MR. RATH abstained.

CARRIED (10-0-1).

Item 41 – CHAIR MILLS directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 10-6 from MILLS, LORIGO, DIXON, RATH, GRANT, LOUGHRAN, SAVAGE & MILLER-WILLIAMS. Support of Buffalo's Center of Transportation Excellence for Coordination of Non-Emergency Medicaid Transportation in Erie and Surrounding WNY Counties.

Item 42 – MR. LORIGO presented the following resolution and moved for consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 105

RE: Erie County Citizen's Budget Review
Commission
(INTRO. 10-7)

WHEREAS, the Erie County Legislature unanimously approved, and the County Executive signed, a local law introduction reinstituting a Citizens' Budget Review Commission for the County; and

WHEREAS, the Commission shall assist and advise the Legislature in the oversight of the County's budget, and to monitor County finances, ensure the long-term fiscal stability of Erie County, prevent the concealment of County deficits, and to help provide the Legislature with enough time and information to respond to budgetary problems, according to their Charter mandate; and

WHEREAS, according to the provisions of Local Law No.2 of2012, specifically Section 2618 (c) [Membership; Terms; Vacancies], specific categories of appointments shall be made on an annual basis, of members of the Commission; and

WHEREAS, following a general media outreach to solicit interest among Erie County residents to serve on this important policy panel, letters of interest were received for all membership categories.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Local Law No. 2 of2012, the following individuals are hereby appointed by this Honorable Body to serve as members of the Erie County Citizens' Budget Review Commission, for a term that will expire on December 31, 2014:

Appointee:

Elias Farah
42 Marsdale Rd.
Cheektowaga, NY 14215

Membership Category:

Chairman Mills' appointment

Ed Kumrow
31 Grant Rd.
Amherst, NY 14226

Majority Leader's appointment

Joseph Winter, CPA
Niagara University
Bisgrove Hall, Room 251 D
Niagara University, NY 14109

Professional experience as a Certified Public Accountant

Michael Major
26 Hillside Drive
Orchard Park, NY 14127

Banking and finance experience

R.J. Friedman, Esq
15 Caldwell Dr.
West Seneca, NY 14224

Licensed attorney with experience in local government law

William Bohen
150 Cushing Place
Buffalo, NY 14220

Professional experience with organized labor

Kevin Leffler
2456 North Creek Rd.
Lake View, NY 14085

Representative with business experience

Kim Bowers
25 Burbank Dr.
Orchard Park, NY 14127

Represents a cross-section of the County's diverse population and has a depth of appropriate experience and expertise.

Joseph Hanna
Goldberg Segalla – Partner
665 Main St. – Suite 400
Buffalo , NY 14203

Represents a cross-section of the County's
diverse population and has a depth of
appropriate experience and expertise.

RESOLVED, that this Legislature declares that each appointee possesses strong personal and professional credentials for adding greatly to the Commission's important work; further ensuring fiscal stability of County government, adding additional checks and balances to the oversight of County finances, and increased budget monitoring and reporting; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the County Executive, Erie County Fiscal Stability Authority, Comptroller, County Attorney, Budget Director, the Erie County Citizens' Budget Review Commission appointees at the addresses listed above, and all other parties deemed necessary and proper.

MR. LORIGO moved to amend. MR. RATH seconded.

CARRIED UNANIMOUSLY.

INSERT THE FOLLOWING RESOLVED AFTER THE FIRST RESOLVED:

RESOLVED, that pursuant to Local Law No. 2 of 2012, the following individual is hereby appointed by this Honorable Body to serve as a member of the Erie County Citizens' Budget Review Commission, for a term that will expire on December 31, 2014:

Appointee:
Thomas Earl Webb, Jr.
5854 Main Street, Suite #701
Williamsville, NY 14221

Membership Category:
Minority Leader's Appointment

MR. LORIGO moved to approve as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 43 – MR. LORIGO presented the following resolution and moved for consideration.
MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 106

RE: Supporting the Buffalo Common
Council and Fruit Belt Community
Property Owners
(INTRO. 10-8)

WHEREAS, gentrification is a shift in an urban neighborhood toward more affluent residents and increasing property values, typically the result of investment in a community by local government, community activists, and business groups; and

WHEREAS, gentrification can often spur economic development, attract business, lower crime rates, and can lead to population shift, it can also leave the native, poorer residents at risk of being displaced by new, wealthier residents; and

WHEREAS, the Fruit Belt Advisory Committee was set up to protect families who have resided in these neighborhoods for generations, from being dislocated by the ever expanding Buffalo Niagara Medical Campus, and its potential influx of students, medical workers, and developers; and

WHEREAS, Buffalo Common Council President Darius Pridgen has led the fight on behalf of the residents of the Fruit Belt to protect the neighborhood that was founded by many of the residents and families that continue to live there today; and

WHEREAS, the Buffalo Common Council is requesting that the Fruit Belt Advisory Committee create a sub-committee to establish their position on the gentrification of the Fruit Belt community, and propose suggestions for addressing the concerns of this problem, including but not limited to freezing property taxes; and

WHEREAS, the Common Council is also requesting that Corporation Council conduct research on the existence of any federal or state laws that would potentially block the City of Buffalo from attempting to limit property tax increases for long term residents.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature stands in support of the Common Council's plan to protect the property owners of the Fruit Belt community from the rising costs of property taxes in their neighborhood; and be it further

RESOLVED, that the Erie County Legislature commends the Fruit Belt Advisory Committee for their continuous service and the residents of the Fruit Belt community for their lifetime commitment to their neighborhood; and be it further

RESOLVED, that clerk of the Legislature shall forward certified copies of this resolution to the Buffalo Common Council, and the Fruit Belt Advisory Committee.

MR. LORIGO moved to amend to include et. al. sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to approve as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 44 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

RESOLUTION NO. 107

RE: Recognizing Importance and Supporting
the Mission of the Niagara Falls Air
Force Reserve Station

(INTRO. 10-9)

WHEREAS, the Niagara Falls Air Force Reserve Station is one of our region's largest employers, with over 3000 full and part-time personal; and

WHEREAS, the Station's annual payroll of over \$88 million represents an enormous contribution to the economic wellbeing of Niagara and Erie Counties; and

WHEREAS, throughout the last 15 years, the Station has contracted more than \$200 million in improvements done by local contractors and local union workers; and

WHEREAS, the Niagara Falls Air Force Reserve Station is a critically important military installation with multiple missions that are not reflected in its current name; and

WHEREAS, the mission of NFARS includes not just C-130 flights, but has now expanded to include Remotely Piloted Aircraft (RPA) missions and has the potential to expand to a Cyber mission as well; and

WHEREAS, the base is home to 914th Airlift Wing U.S. Air Force Reserve, 107th Airlift Wing New York Air National Guard, 865th Army Combat Support Hospital, 277th Army Quartermaster Corp., 2nd Squadron 101st Cavalry, and the 1982nd Forward Surgical Team.

NOW, THEREFORE, BE IT

RESOLVED, The Erie County Legislature stands in agreement with the other regional leaders, and the members of the Niagara Military Affairs Council, in requesting that the United States Department of Defense and Base Commanders change the name of the Niagara Falls Air Reserve Station (NFARS) to "Joint Base Niagara" to more accurately reflect its newly expanded role and multiple missions; and, be it further,

RESOLVED, that a certified copy of this resolution be sent to the Western New York Delegation to Albany and Washington; Governor Andrew Cuomo; John Cooper, Chair of the Niagara Military Affairs Council; Merrell A. Lane, Vice Chair of the Niagara Military Affairs Council.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 45 – MR. LORIGO moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 8E-3. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 108

RE: 2013 Year-End Budget Balancing Amendments
and Designations
(COMM. 7E-7, 2014)

MR. LORIGO moved to amend the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

ADD THE FOLLOWING:

WHEREAS, year-end budget balancing amendments are necessary to close the County's books and prepare financial statements for review by the County's independent auditors for the 2013 fiscal year, and

WHEREAS, amendments were identified in cooperation with the Erie County Comptroller's Office and in consultation with departmental accountants based on year-end financial reports, and

WHEREAS, 2013 funding within the County Attorney's Risk Retention Fund, Division of Buildings and Grounds, the County Clerk's Registrar and Auto Bureau Divisions, the Bureau of Fleet Services, the Probation Department, Office of Disabled, Department of Senior Services, Cultural Agencies, Department of Environment and Planning, County-wide Accounts, the Buffalo and Erie County Public Library, and for the Department of Social Services, is designated for re-appropriation into 2013, and

WHEREAS, additional 2013 fund transfers are also requested in order to establish fund reservations which will be re-appropriated into 2013 to maintain a balanced 2014 budget and provide additional services, including an additional \$7,000,000 for the Employee Contribution Stabilization Program, \$2,000,000 for the Division of Highways, \$225,000 for the Risk Retention Fund, \$175,000 to enhance the County's foreclosure program, and \$100,000 to purchase a parcel of land at the Seneca Bluffs parkland.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to adjust the 2013 Budget in order to facilitate the completion of 2013 financial statements, based on the following schedule:

2013 Year End Budget Balancing Amendments

The following list of accounts is balanced by fund and indicates where adjustments are needed to match year-end spending. In most cases the source of funds was obtained from within the department from where the shortfall occurred.

Department	Account	Increase/ (Decrease)
General Fund 110 - Expense Adjustments		
116	Jail Management	
	500000	Full Time - Salaries (1,405,555)
	500010	Part Time - Wages (57,336)
	500020	Regular PT - Wages (1,855)
	500300	Shift Differential (55,631)
	500320	Uniform Allowance 70,700
	500330	Holiday Worked (101,382)

Department	Account	Increase/ (Decrease)
	500340	Line-up Pay
		(114,394)
	500350	Other Employee Payments
		35,780
	501000	Overtime
		2,089,874
	502000	Fringe Benefits
		21,737
	505200	Clothing Supplies
		(6,557)
	505400	Food & Kitchen Supplies
		71,455
	506200	Maintenance & Repair
		(11,687)
<u>Jail Management Total</u>		<u>535,149</u>

11510 Sheriff Division

500000	Full Time - Salaries	42,736
500010	Part Time - Wages	(18,608)
500030	Seasonal - Wages	68,882
500300	Shift Differential	(8,851)
500350	Other Employee Payments	39,205
501000	Overtime	784,552
502000	Fringe Benefits	515,941
505200	Clothing Supplies	(5,277)
505600	Auto, Truck & Heavy Equip Supplies	(9,628)
506200	Maintenance & Repair	(21,697)
510100	Out Of Area Travel	(20,669)
517817	Suicide Prevention and Crisis Svcs	(20,520)
Sheriff Division Total		1,346,066

120 Department of Social Services

	500000	Full Time - Salaries	(4,385,855)
	500010	Part Time - Wages	(112,842)
	500350	Other Employee Payments	63,032
	502000	Fringe Benefits	(4,807,461)
	516020	Professional Svcs Contracts & Fees	186,052
	516430	Employment Services Contracts	(367,679)
	525000	MMIS - Medicaid Local Share	(1,868,021)
	525020	UPL Expense	6,268,015
	525030	MA - Gross Local Payments	(446,042)
	525040	Family Assistance (FA)	2,516,864
	525060	Safety Net Assistance (SNA)	4,200,110
	525070	Emerg Assist To Adults (EAA)	514,219
	525091	Child Care-Title XX	183,497
	525130	State Training Schools (STS)	(167,088)
	525140	HEAP Program Costs	79,030
	525150	DSH Expense	(849,226)
	530010	Chargebacks	(146,032)

Department	Account	Increase/ (Decrease)
	530030 Pivot Wage Subsidies	(756,554)
	545000 Rental Charges	(104,019)
	DSS Total	0
163 Senior Services		
	500000 Full Time - Salaries	(13,429)
	502000 Fringe Benefits	13,429
	Senior Services Total	0
12220 DPW Building & Grounds		
	500000 Full Time - Salaries	(264,916)
	500350 Other Employee Payments	26,599
	501000 Overtime	28,829
	502000 Fringe Benefits	144,063
	506200 Maintenance & Repair	(111,249)
	575040 Interfund Expense-Utility Fund	176,674
	DPW Building & Grounds Total	0
12520 Youth Detention		
	500000 Full Time - Salaries	(47,824)
	500010 Part Time - Wages	14,006
	501000 Overtime	33,818
	517879 Yth Super/Treatment	1,930
	530000 Other Expenses	(1,930)
	Youth Detention Total	0
12700 Health Division		
	500000 Full Time - Salaries	(69,087)
	500020 Regular PT - Wages	(53,097)
	501000 Overtime	21,412
	502000 Fringe Benefits	97,759
	516020 Professional Svcs Contracts & Fees	(71,231)
	Health Division Total	(74,244)
12720 Emergency Medical Services		
	502000 Fringe Benefits	19,028
	Emergency Medical Services Total	19,028
12730 Public Health Lab		
	500000 Full Time - Salaries	(18,883)

	500350	Other Employee Payments	18,883
	502000	Fringe Benefits	(229,286)
	<u>Public Health Lab Total</u>		<u>(229,286)</u>
12750	Special Needs		
	500000	Full Time - Salaries	(13,526)
	501000	Overtime	13,526
	516050	Dept Payments to ECMCC	(572,465)
	<u>Special Needs Total</u>		<u>(572,465)</u>
12760	Correctional Health		
	500000	Full Time - Salaries	(60,580)
	500020	Regular PT - Wages	(15,776)
	500300	Shift Differential	23,241
	500320	Uniform Allowance	14,251
	500330	Holiday Worked	50,568
	500340	Line-up Pay	39,126
	500350	Other Employee Payments	26,581
	501000	Overtime	561,023
	502000	Fringe Benefits	254,293
	505000	Office Supplies	(4,713)
	505800	Medical & Health Supplies	539,460
	516020	Professional Svcs Contracts & Fees	556,034
	516050	Dept Payments to ECMCC	682,519
	<u>Correctional Health Total</u>		<u>2,666,027</u>
14010	County-wide Accounts Budget		
	504990	Reductions - Personal Services Acct	1,787,585
	516050	Dept Payments to ECMCC	42,936
	520070	Buffalo Bills Maintenance	(494,658)
	<u>County-wide Acct Budget Total</u>		<u>1,335,863</u>
14020	County-wide Interfund Accounts		
	570000	Interfund Transfers Subsidy	705,641
	570020	Interfund - Road	293,967
	570025	Interfund County Share E-911	(263,591)
	570040	Interfund Subsidy-Debt Service	168,918
	<u>Inter-Fund Total</u>		<u>904,935</u>
14030	Community College		
	520020	Cty Residents Enrolled/Comm College	880,803
	<u>Community College Total</u>		<u>880,803</u>

15000	Board of Elections		
	500000	Full Time - Salaries	147,440
	500010	Part Time - Wages	(100,000)
	500020	Regular PT - Wages	(47,440)
Board of Elections Total			0

16410	Parks		
	500000	Full Time - Salaries	(114,484)
	500010	Part Time - Wages	(13,859)
	500030	Seasonal - Wages	(9,523)
	500330	Holiday Worked	10,090
	500350	Other Employee Payments	30,851
	501000	Overtime	145,772
	502000	Fringe Benefits	63,153
	515000	Utility Charges	(4,925)
	575040	Interfund Expense-Utility Fund	(36,155)
Parks Total			70,920

Total - General Fund 110 Expense Adjustment 6,882,796

General Fund 110 - Revenue Adjustments

116	Jail Management		
	408530	State Aid - Criminal Justice Prog	22,325
	410150	SSA-SSI Prison Incentive Program	15,200
	410180	Fed Aid - School Breakfast Program	34,094
	411500	Fed Aid - Medical Assistance	576,975
	412000	Fed Aid - School Lunch Program	50,684
	414020	Miscellaneous Federal Aid	41,386
	415620	Commissary Reimbursement	100,512
	420040	Jail Facilities For Other Govts	838,451
Jail Management Total			1,679,627

14010	County-wide Accounts Budget		
	466280	Local Source - Erie Cty Medical Ctr	5,203,169
Cty-wide Acct Budget Total			5,203,169

Total - General Fund 110 Revenue Adjustment 6,882,796

Net - Fund 110 - Revenue less Expense 0

Fund 140 - Utility Fund

Expense

12110 Utilities Fund-(DPW)

515000	Utility Charges	(37,185)
516020	Professional Svcs Contracts & Fees	37,185
Utilities Fund-(DPW) Total		0

Fund 210 - Highway Fund

Expense

123	Highways (DPW)		
	500000	Full Time - Salaries	(343,138)
	500030	Seasonal - Wages	(18,212)
	500300	Shift Differential	(27,193)
	500330	Holiday Worked	(4,229)
	500350	Other Employee Payments	54,704
	501000	Overtime	225,165
	502000	Fringe Benefits	484,906
	505600	Auto, Truck & Heavy Equip Supplies	(10,761)
	506400	Highway Supplies	61,853
	516020	Professional Svcs Contracts & Fees	(2,576)
	516030	Maintenance Contracts	(1,056)
	545000	Rental Charges	(2,859)
	910600	ID Purchasing Services	(25,761)
	910700	ID Fleet Services	(115,459)
	980000	ID DISS Services	(102,808)
Highways (DPW) Total			172,576

Revenue

123	Highways (DPW)		
	407000	Consolidated Highway Aid	49,000
	420180	Sale Of Supplies, Other Gov't	18,000
	421010	Highway Work Permit Fees	12,576
	486000	Interfund Revenue Subsidy	93,000
Highways (DPW) Total			172,576
Net - Fund 210 - Revenue less Expense			0

Fund 220 - Sewer Fund

Expense

18010	Sewerage Management		
	500030	Seasonal - Wages	(42,028)
	500350	Other Employee Payments	42,028
Sewerage Management Total			0

Fund 230 - E-911

11510	Sheriff Division		
500000	Full Time - Salaries	(20,279)	
501000	Overtime	20,279	
Sheriff Division Total			0

Fund 310 - Debt Service Fund

Expense

17200	General Debt		
550000	Principal - Bonds	640,000	
550010	Principal - Long Term Loan	3,745,000	
550110	Bond Issue Costs	145,833	
550120	Payments to Refunded Bond Escrow	35,895,295	
550800	Interest - Bonds	554,966	
550810	Inter-Long Term Loan	4,195,650	
General Debt			
Total			45,176,744

Revenue

17200	General Debt		
445070	Premium On Obligations	4,907,000	
	Principal - Long Term Loan		
466350	Reimbursement	3,260,744	
475030	Bond Proceeds For Advance Refunding	31,135,000	
486010	Residual Equity Transfers In	5,874,000	
General Debt			
Total			45,176,744
Net - Fund 310 - Revenue less Expense			0

Fund 820 - Library Fund

Expense

420	Library		
500010	Part Time - Wages	(139,491)	
500020	Regular PT - Wages	126,766	
980000	ID DISS Services	12,725	
Library Total			0

and be it further

RESOLVED, that authorization is provided to re-appropriate available 2013 funding for the County Attorney's Risk Retention Fund in the amount of \$411,680, Fleet Services fuel in the amount of \$65,000, \$2,000 for Buildings and Grounds equipment, \$233,368.76 of various items for

the County Clerk Registrar and Auto Bureau Divisions, \$20,000 for Probation Department county share of grants, \$3,101 for Office of Disabled training, \$169,000 for Senior Services Grants, \$183,000 in the County-wide Budget Account for county share of grants, \$2,000 for the 2013 payment to the Buffalo Music Hall of Fame, \$1,000 in the Department of Environment and Planning for the Steel Plant Museum sign initiative, \$200,250 for seasonal positions in Highways as budgeted in the County-wide Interfund Accounts, and \$321,717.24 in Social Services and Youth Services for various community agencies and child protection initiatives; and be it further

RESOLVED, that 2013 funds in the amount of \$231,652 is hereby re-appropriated for the Buffalo and Erie County Public Library; \$8,235 for the Road Fund and \$114,460 for the Sewer Fund and be it further

RESOLVED, that authorization is provided to transfer available 2013 funding for additional designations and establish re-appropriations into 2014 as follows:

- \$7,000,000 to offset a portion of the 2014 budgeted Employer Contribution Stabilization Program
- \$2,000,000 for the Division of Highways to cover the costs associated with the impact of the recent severe winter
- \$100,000 for the purchase of a parcel adjacent to the Seneca Bluffs parkland
- \$225,000 for the Risk Retention Fund, and
- \$175,000 for foreclosure action; and be it further

RESOLVED, that authorization is hereby provide to make the following 2014 budget adjustments in order to establish funding for the reappropriations outlined in the preceding resolve:

Department	Account	Increase/ (Decrease)
General Fund 110 - Expense Adjustments		
14010	County-wide Accounts Budget	
	502400 Employer Contribution Stabilization	7,000,000
14020	County-wide Interfund Accounts	
	570020 Interfund – Road	2,000,000
16010	County Attorney's Office	
	516042 Foreclosure Action	175,000
16020	County Attorney - Risk Retention	
	555000 General Liability	225,000
16200	Department of Environment and Planning	
	561100 Land Acquisition	100,000
500	ECMC	
	502000 Fringe Benefits	<u>(3,294,566)</u>
	Total - General Fund 110 Expense Adjustment	6,205,434
General Fund 110 - Revenue Adjustments		
14010	County-wide Accounts Budget	
	Interest & Penalty on Real Property	
	400050 Taxes	(7,202,488)

Department	Account	Increase/ (Decrease)
466060	Property Tax Rev Adjustment	<u>13,407,922</u>
	Total - General Fund 110 Revenue Adjustment	6,205,434
<hr/>		
	Net - Fund 110 - Revenue less Expense	<u>0</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any required 2013 and 2014 budgetary adjustments to implement the budgetary amendments and reappropriations authorized in this resolution; and be it further

RESOLVED, that the Director of Budget and Management is authorized to make any further 2013 Budget adjustments that may be required based on inter-departmental budget balancing or adjusting entries identified by the Erie County Comptroller or the County's independent auditors, said adjustments would be made in conjunction with the Office of the Comptroller in preparation of their final financial statements and for no other purpose; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the County Executive, the County Attorney, the Office of the Comptroller and the Director of Budget and Management.

MR. LORIGO moved to approve the item as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 46 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 10E-37 from the COUNTY EXECUTIVE Re: Gratwick Manor Apartments Payment in Lieu of Taxes Repayment Agreement.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 47 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 10E-38 from RATH Re: Invitation to Sheriff Howard to Attend Public Safety Committee Meeting.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 48 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 10E-39 from RATH Re: Invitation to County Executive Poloncarz to Attend Public Safety Committee Meeting.

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 49 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 109

RE: Ralph Wilson Stadium - Annual Capital
Improvements-A/E Fees
(COMM. 10E-1)

WHEREAS, this Honorable Body has previously authorized the County Executive to enter in a General Architectural/Engineering services agreement with the firm of DiDonato Associates for providing professional design and construction document services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to the firm of DiDonato Associates for providing design and construction document services for the Ralph Wilson Stadium - Annual Capital Improvement projects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute an Agreement Amendment with the firm of DiDonato for providing design and services for the Ralph Wilson Stadium Annual Capital Improvements project for an amount not to exceed \$98,000.00 including reimbursables; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project account: A.12001 – 2012 Rehabilitation of Ralph Wilson Stadium for an amount not to exceed \$98,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

FROM THE COUNTY EXECUTIVE

Item 50 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 110

RE: Reconstruction of Goodrich Road
Bridge BR 216-3, Construction Award,
Town of Clarence
(COMM. 10E-2)

WHEREAS, bids were taken for the reconstruction of Goodrich Road Bridge BR 216-3 Project Number BR 216-3-14 in the Town of Clarence, on April 10, 2014, and the lowest responsible bidder was Concrete Applied Technologies Corp., in the amount of \$512,298.20; and

WHEREAS, funding for this Project was approved and is available in Fund 420 Business Area 123, WBS Element B.13016, 2013 Capital Overlay Program, in an amount not to exceed \$675,000.00; and

WHEREAS, it is necessary that this approval be granted, so the contract can be awarded and allow the contractor to order material and begin work this summer; and

WHEREAS, in order to facilitate the reconstruction of Goodrich Road Bridge BR 216-3 Project Number BR 216-3-14 in the Town of Clarence, it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a contract has been negotiated with C & S Engineers, Inc. for construction inspection and engineering services, for an amount not to exceed \$103,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award and execute a contract for the reconstruction of Goodrich Road Bridge BR 16-3 Project Number BR 216-3-14 between the County of Erie and Concrete Applied Technologies Corp., establish a Construction Contingency, execute Change Orders and execute a negotiated contract between the County of Erie and C & S Engineers, Inc.; and be it further

RESOLVED, that funding for the Goodrich Road Bridge BR 16-3 Project Number BR 216-3-14 be allocated from Fund 420, Business Area 123, WBS Element B.13016, 2013 Capital Overlay Program in an amount not to exceed \$675,000.00; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

FROM THE COUNTY EXECUTIVE

Item 51 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 111

RE: Payment in Lieu of Taxes (PILOT)
Agreement for Lackawanna Homes -
Affordable Housing
(COMM. 10E-3)

WHEREAS, Lackawanna Homes Housing Development Fund Corporation is developing housing for low and very low income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the Project is located on scattered sites throughout the First Ward of the City of Lackawanna, New York, will serve low and very low income households and will include 48 new build single family homes; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Lackawanna Homes Housing Development Fund Corporation, Inc. to operate the housing complex it is necessary to obtain tax relief from the County of Erie and the City of Lackawanna.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with the City of Lackawanna, Lackawanna Homes LLC, Housing Development Fund Corporation and appropriate other organizations necessary to carry out the Agreement relating to the Lackawanna Homes Project and all other contracts necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto. Payment under the Agreement will be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

FROM THE COUNTY EXECUTIVE

Item 52 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 112

RE: Home Inspection/Structural Engineering
Services Agreement - EC Affordable
Housing Programs
(COMM. 10E-4)

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) administers a variety of federally funded housing rehabilitation programs within the Erie County Community Development Block Grant Consortium area; and

WHEREAS, from time to time house foundation issues arise requiring the expertise and input from a structural engineer or home inspection company having experience in house foundation matters.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute an agreement not to exceed \$9,000 with Criterium-Ferrari Engineers for the purpose of undertaking certain structural inspections and related work associated with various Affordable Housing Programs administered by the ECDEP; and be it further

RESOLVED, that said contract amount shall be allocated from SAP Account J.00101.13, 2013 County Housing Programs; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the County Comptroller; the County Attorney; the Director of the Division of Budget and Management; and the Commissioner of the Department of Environment and Planning, Maria R. Whyte, 10th Floor, Edward A. Rath County Office Building.

FROM THE COUNTY EXECUTIVE

Item 53 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 113

RE: Hamburg Highway Maintenance Facility
- 2013 Window Replacement -
Construction Contingency
(COMM. 10E-5)

WHEREAS, the Erie County Division of Purchase awarded a construction contract under Purchase Order 4600015053 to Trason Development Corporation on November 12, 2013 for the

Hamburg Highway Maintenance Facility – 2013 Window Replacement project, excluding a construction contingency; and

WHEREAS, it was discovered during the project that the window jambs are hollow block and need to be reinforced before installing the new lintels and windows. It was also discovered that the mortar joints above the overhead garage door need repointing and that a new exit door needs to be installed; and

WHEREAS, the unforeseen conditions on the project require a Construction Contingency Fund to be established in order to complete the project.

NOW, THEREFORE, BE IT

RESOLVED, that the Purchase Order 4600015053 for Trason Development Corporation is hereby increased to establish a construction contingency fund for an amount not to exceed \$20,000.00; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from B.12012 – 2012 Countywide Highway Facility Building Improvement for an amount not to exceed \$20,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Director of Purchasing and the Office of the Comptroller.

FROM THE COUNTY EXECUTIVE

Item 54 – MR. LORIGO presented the following resolution and moved for consideration. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 114

RE: Isleview Park Concession Agreement
(COMM. 10E-6)

WHEREAS, The Erie County Department of Parks, Recreation and Forestry has previously contracted with an outside vendor for a number of years to operate the concession area at Isleview Park; and

WHEREAS, the concessionaire has provided food and refreshments for park patrons to enjoy throughout the summer season; and

WHEREAS, Bohica Foods of Williamsville, NY provided the best/only proposal for service, as well as a revenue fee for the County of Erie.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to enter into an agreement with Bohica Foods for operation of the concession stand at Isleview Park; and be it further

RESOLVED, The Erie County Parks Department will receive \$3,500.00 in revenue annually from Bohica Foods for the length of the contract; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Erie County Executive, the Commissioner of Parks, Recreation and Forestry, the Erie County Department of Budget and Management and the Erie County Department of Law.

MR. LORIGO moved to amend. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

REPLACE THE FIRST RESOLVED CLAUSE WITH THE FOLLOWING:

RESOLVED, that the Erie County Executive is authorized to enter into an agreement with Bohica Foods for operation of the concession stand at Isleview Park for a total length of the agreement lasting no longer than three years; and be it further

MR. LORIGO moved to approve as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE & SHERIFF

Item 55 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 115

RE: Jail Management Division Telephone
Revenue Appropriation
(COMM. 10E-7)

WHEREAS, the Jail Management Division finds it necessary to make certain purchases for the safe and efficient operation of the Erie County Holding Center and Correctional Facility, and

WHEREAS, necessary funds exist within the Jail Telephone Revenue Trust account, and

WHEREAS, pursuant to Communication 6E-24 approved by your Body on May 9, 2013, the County Executive and the Sheriff must jointly request that available telephone revenue be utilized for Jail Management purposes.

NOW, THEREFORE BE IT

RESOLVED, that the Division of Budget and Management is hereby authorized to transfer \$121,000 from the Jail Phone Revenue Trust Account to the Jail Phone Revenue Account (415622) and increase the following accounts within the Jail Management Division:

Account 561410 Lab & Tech Equipment - \$103,000 for the purchase of two Live Scan machines for identification of inmates as well as a sally-port driver's license scan system

Account 505200 Clothing Supplies - \$18,000 for the purchase of holsters and mag pouches for use at the Erie County Correctional Facility for Correction Officers only
and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Erie County Sheriff's Chief of Administration, the County Executive, the Division of Budget and Management and the Office of Comptroller.

FROM THE SHERIFF

Item 56 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 116

RE: FY12 Explosive Detection Canine Grant
(COMM. 10E-8)

WHEREAS, the US Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has awarded \$15,000 to the Erie County Sheriff's Office to purchase an Explosive Detection Canine and the required canine handling supplies and equipment; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contract and accept these funds; and

WHEREAS, there will be no impact on County Tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the US Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services and to accept funding in the amount of \$15,000; and be it further,

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish funding in the Grant Fund 281 as follows:

ERIE COUNTY SHERIFF'S OFFICE
FY12 Explosive Detection Canine Grant
May 14, 2013 to August 31, 2014

<u>REVENUE</u>	<u>Increase</u>
Account 414000 - Federal Aid	<u>15,000</u>
TOTAL REVENUE	<u>15,000</u>
 <u>APPROPRIATIONS</u>	 <u>Increase</u>
Account 530000 – Other Expenses	<u>15,000</u>
TOTAL APPROPRIATIONS	<u>15,000</u>

and be it further

RESOLVED, that the Erie County Sheriff's Office is hereby authorized to purchase a dog from Upstate K9, Inc. in an amount to exceed \$9,500, and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with Federal and State approved funding levels; and be it further

RESOLVED, that certified copies be forwarded to the County Executive's Office, the Division of Budget and Management, the Erie County Comptroller's Office and the Office of Sheriff.

FROM THE SHERIFF

Item 57 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 117

RE: K9 Transfer
(COMM. 10E-9)

WHEREAS, Roki was purchased in the year 2012 with seized asset funds and was trained in drug detection to work in the Erie County Holding Center; and

WHEREAS, Roki has exhibited unacceptable behavior therefore posing a possible risk to the employees of the Erie County Sheriff's Office and the visitors and inmates at the Erie County Holding Center; and

WHEREAS, Officer Gerald Keicher has agreed to sign an agreement to assume full responsibility for said dog and to hold the County of Erie/Erie County Sheriff's Office harmless against any and all liability; and

WHEREAS, the Sheriff's Office conferred with the Director of Purchase and the County Attorney to determine that by Legislative Resolution the transfer of ownership could occur.

NOW, THEREFORE, BE IT

RESOLVED, that the Office of the Sheriff is hereby authorized to enter into an agreement with Officer Gerald Keicher to transfer the ownership of Roki. Officer Keicher shall assume full responsibility for the dog under such agreement and shall further hold the County of Erie and Erie County Sheriff's Office harmless against any and all liability; and be it further,

RESOLVED, that certified copies be forwarded to the Erie County Comptroller, the Director of Purchase, the County Attorney and the Office of the Sheriff for implementation.

FROM LEGISLATOR SAVAGE

Item 58 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 118

RE: Lease Agreement for Legislative Office
Space
(COMM. 10E-10)

RESOLVED, the Erie County Executive is hereby authorized to sign a Nine (9) Month Lease Agreement with 1701 Hertel Avenue, LLC for Legislative office space for Peter J. Savage, III, located at 1701 Hertel Avenue, Buffalo, New York for a monthly rate of \$675.

FROM CHAIR MILLS

Item 59 – (COMM. 10E-11) Revised 2014 Legislature Committee Assignments

Received, filed & printed.

2014 Committee Assignments

Finance & Management

Chair: Joseph C. Lorigo
Vice-Chair: Edward A. Rath, III
Members: Kevin R. Hardwick
Peter J. Savage, III
Barbara Miller-Williams

Health, Human Services

Chair: Lynne M. Dixon
Vice-Chair: Ted B. Morton
Members: Joseph C. Lorigo
Betty Jean Grant
Barbara Miller-Williams

Government Affairs

Chair: Kevin R. Hardwick

Economic Development

Chair: Edward A. Rath, III

Vice-Chair: Lynne M. Dixon
Members: Ted B. Morton
Barbara Miller-Williams
Thomas A. Loughran

Vice-Chair: Joseph C. Lorigo
Members: Ted B. Morton
Patrick Burke
Thomas A. Loughran

Energy & Environment

Chair: Ted B. Morton
Vice-Chair: Joseph C. Lorigo
Members: Kevin R. Hardwick
Patrick Burke
Peter J. Savage, III

Public Safety

Chair: Edward A. Rath, III
Vice-Chair: Lynne M. Dixon
Members: Ted B. Morton
Betty Jean Grant
Peter J. Savage, III

Community Enrichment

Chair: Kevin R. Hardwick
Vice-Chair: Edward A. Rath, III
Members: Joseph C. Lorigo
Thomas A. Loughran
Patrick Burke

Minority & Women Business Enterprise

Chair: John J. Mills
Vice-Chair: Lynne M. Dixon
Members: Joseph C. Lorigo
Betty Jean Grant
Peter J. Savage, III

FROM THE COMPTROLLER

Item 60 – (COMM. 10E-12) ECC Financial Statements and Management Letter for Fiscal Year Ending Aug 31, 2013

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 61 – (COMM. 10E-13) Buffalo and Erie County Main Central Library - Second Floor West Renovations - Construction Contingency Increase

Item 62 – (COMM. 10E-14) Appointment to the Youth Services Board

Item 63 – (COMM. 10E-15) Buffalo Niagara Convention Center - 2014 - Miscellaneous Renovations - A/E Fees

The above three items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LEGISLATOR BURKE

Item 64 – (COMM. 10E-16) Request for Formation of a Special Committee on County Highway Reform

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 65 – (COMM. 10E-17) Contract with Northeast and Bucks Company T/A Mullin & Lonergan Associates Inc for Preparation of the 2015-2019 Consolidated Plan and Annual Action Plan for the EC Community Development Block Grant Consortium, Town of Hamburg

Item 66 – (COMM. 10E-18) Analysis of Impediments to Fair Housing Choice Agreements

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 67 – (COMM. 10E-19) EC Sewer Districts WNY Council on Occupational Safety & Health Proposed Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER

Item 68 – (COMM. 10E-20) Interim Financial Report for Jan-March 2014

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 69 – (COMM. 10E-21) Appointment to Citizens Budget Review Commission

Item 70 – (COMM. 10E-22) Personnel Adjustment - Office of Veterans Affairs

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATORS MILLS, LORIGO, HARDWICK, RATH, MORTON & DIXON

Item 71 – (COMM. 10E-23) Requesting Additional Funds For Infrastructure Work

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR BURKE

Item 72 – (COMM. 10E-24) Copy of 'Fatally Flawed: Why the Rockefeller Institute's Scaffold Law Report Doesn't Add Up'

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 73 – (COMM. 10E-25) DISS Use and Control of Wireless Devices Jan 2012-June 2013

Item 74 – (COMM. 10E-26) Review of EC Legislature Purchases for the Period Jan 2009-Dec 2013

Item 75 – (COMM. 10E-27) Whistleblower Hotline Summary for July-Dec 2013

The above three items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 76 – (COMM. 10E-28) Appointment to EC Ethics Board

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR GRANT

Item 77 – (COMM. 10E-29) Letter to DISS Questioning Authorization and Use of Smart Phone By Legislature Staffer

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR MILLS

Item 78 – (COMM. 10E-30) Letter to Chris Johnston Regarding Departure of Buffalo Niagara World Trade Center and Remaining Acting Chairman of the ECIDA

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 79 – (COMM. 10E-31) Reforming Child Protective Services in NYS

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR BURKE

Item 80 – (COMM. 10E-32) Requesting Public Hearing Regarding Use and Oversight of Spying Equipment by the Sheriff's Office

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 81 – (COMM. 10E-33) EC Toxicology Laboratory and Morgue Upgrades

Item 82 – (COMM. 10E-34) Linstar Secure Identity Solutions Service Agreement

Item 83 – (COMM. 10E-35) EC Agricultural Society Concessions License Agreement

The above three items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR LORIGO

Item 84 – (COMM. 10E-36) Legislator Lorigo Letter to Sheriff Inviting Him to Public Safety Committee Meeting Regarding Proposed Local Law

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMMISSIONER, DEPARTMENT OF ENVIRONMENT & PLANNING

Item 85 – (COMM. 10D-1) Announcement of 2015 EC Cultural Funding Process, Application Process

.
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 86 – (COMM. 10D-2) Investigation of the Bureau of Weights and Measures

.
Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE DIRECTOR, BUDGET AND MANAGEMENT

Item 87 – (COMM. 10D-3) Budget Monitoring Report for Period Ending March 2014

.
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 88 – (COMM. 10D-4) Transmittal of New Claims Against Erie County

.
Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIVISION OF INFORMATION AND SUPPORT SERVICES

Item 89 – (COMM. 10D-5) DISS Response to Comptroller Review of Wireless Devices

.
Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES

Item 90 – (COMM. 10D-6) Department of Social Services Review of Enhanced Shelter Rates As Per Intro. 3-5 (2014)

.
Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPARTMENT OF SOCIAL SERVICES

Item 91 – (COMM. 10D-7) CPS A Review of Determinations and Cases Recommended for Closure in Child Abuse and Maltreatment Reports Investigated by EC

.
Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY

Item 92 – (COMM. 10D-8) EEO 2013 Year in Review

.
Received and referred to the MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE.

FROM THE DIRECTOR, DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY

Item 93 – (COMM. 10D-9) Presentation of Affirmative Action Plan

.
Received and referred to the MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE.

FROM THE COMMISSIONER, DEPARTMENT OF PROBATION

Item 94 – (COMM. 10D-10) Appointment to the EC Community Corrections Advisory Board

.
Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 95 – (COMM. 10D-11) Recommendations for Appointments to the EC Community Corrections Advisory Board

.
Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 96 – (COMM. 10M-1) April 17, 2014 Board of Trustees Meeting Agenda and Minutes for March 20, 2014 Meeting

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE HULL FAMILY HOME & FARMSTEAD ORGANIZATION

Item 97 – (COMM. 10M-2) The Patriot Newsletter

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE ECIDA

Item 98 – (COMM. 10M-3) 2013 Annual Audited Financial Statements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NFTA

Item 99 – (COMM. 10M-4) NFTA Board Minutes

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Item 100 – (COMM. 10M-5) Release of Trustee Groundwater Injury Determination Report

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF AGRICULTURE AND MARKETS

Item 101 – (COMM. 10M-6) EC Agricultural District No. 5 Redistricting Plan

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Item 102 – (COMM. 10M-7) Remedy to Address Contamination for Former Doro Dry Cleaners

Item 103 – (COMM. 10M-8) Record of Decision for Former Doro Dry Cleaners Site

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EC BOARD OF ETHICS

Item 104 – (COMM. 10M-9) Response to 2010 Comptroller Report 'A Review of the EC Board of Ethics for the Period Jan 2007-Dec 2009'

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYS OFFICE OF CHILDREN AND FAMILY SERVICES

Item 105 – (COMM. 10M-10) EC Child Protective Services Assessment - Findings and Recommendations

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM PETER A. REESE

Item 106 – (COMM. 10M-11) Documents Regarding Status of ECMC and its Relationship to EC, Kaleida and Great Lakes Healthcare

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE PRESIDENT, BOARD OF HEALTH

Item 107 – (COMM. 10M-12) Board of Health Jan 2014 Meeting Minutes and Notice of May 2014 Meeting

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE MWBE UTILIZATION ADVISORY BOARD

Item 108 – (COMM. 10M-13) MWBE Utilization Advisory Board Nov 18, 2013 Meeting Minutes

Received and referred to the MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE.

ANNOUNCEMENTS

Item 109 – CHAIR MILLS announced that the committee schedules and agendas have been distributed.

Item 110 – LEGISLATOR RATH announced that a tour of Ralph Wilson Stadium would occur after the Economic Development committee meeting at 4:00 PM.

Item 111 – LEGISLATOR MORTON announced that there would be a meeting of PACE on May 14, 2014.

Item 112 – LEGISLATOR RATH announced an event of the Commission on the Status of Women on May 20, 2014 at 12:00 PM at the Century Club.

MEMORIAL RESOLUTIONS

Item 113 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Robert Krawlak, Dolores Root and Dan Gernatt, Sr..

Item 114 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Christine Dombrowski, Richard Naylor and Dan Gernatt, Sr..

Item 115 – Legislator Morton requested that when the Legislature adjourns, it do so in memory of Amil al Shamari.

Item 116 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Amil al Shamari.

Item 117 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of William West and Kenneth Barry.

ADJOURNMENT

Item 118 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, May 22, 2014 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, May 22, 2014 at 2:00 p.m. Eastern Standard Time.

SCOTT W. KROLL
CLERK OF THE LEGISLATURE